Service Date: October 18, 1995

FINAL ORDER NO. 6380

DEPARTMENT OF PUBLIC SERVICE REGULATION MONTANA PUBLIC SERVICE COMMISSION 1701 Prospect Avenue, PO Box 202601 Helena, Montana 59620-2601

IN THE MATTER OF Frank J. Smith)			
dba Just Limos, Poplar, Montana, the)			
application for a Montana Intrastate)	Docket No. T-95.49.P	'CN
Certificate of Public Convenience and)		Order No. 6380	
Necessity.)			

The Commission, being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On August 8, 1995, **Frank J. Smith dba Just Limos, PO Box 729, Poplar, MT 59255**, filed an application with the Montana Public Service Commission under Title 69, MCA, to amend Certificate of Public Convenience and Necessity, PSC 9347. The certificate, PSC 9347, authorizes the following:

<u>Class B</u> - Passengers in limousine service between all points and places in Daniels, Sheridan, Roosevelt, Valley, Dawson, McCone, Richland, and Wibaux Counties. Limitations: Transportation of Burlington Northern crews is prohibited.

Applicant proposes to amend the certificate to authorize the following:

<u>Class B</u> - Passengers in limousine service 1) between all points and places in the following counties: Carter, Custer, Daniels, Dawson, Fallon, Garfield, McCone, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Valley, and Wibaux; 2) to or from all points and places in the State of Montana, limited to transportation which originates or terminates in the counties listed above.

Limitations: Transportation of Burlington Northern crews is prohibited.

In accordance with Section 69-23-321, MCA, this matter was noticed to the public September
 That notice said in pertinent part:

If no written protests are received by September 26, 1995, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. No protests or responses of any kind were received.

4. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, PO Box 202601, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

- 1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.
- 2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.
 - 3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1701 Prospect Avenue, Helena, Montana, on the 10th day of October, 1995, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-95.49.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of **Frank J. Smith dba Just Limos, PO Box 729, Poplar, MT 59255** to amend Certificate of Public Convenience and Necessity PSC No. 9347 IS
GRANTED with the certificate being amended as follows:

<u>Class B</u> - Passengers in limousine service 1) between all points and places in the following counties: Carter, Custer, Daniels, Dawson, Fallon, Garfield, McCone, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Valley, and Wibaux; 2) to or from all points and places in the State of Montana, limited to transportation which originates or terminates in the counties listed above. Limitations: Transportation of Burlington Northern crews is prohibited.

IT IS FURTHER ORDERED that PSC No. 9347, dated March 28, 1995, be returned to the Commission offices for cancellation in lieu of the expanded authority granted.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by first class mail to the applicant and all parties herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 10th day of October, 1995, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

	NANCY McCAFFREE, Chair
	DAVE FISHER, Vice Chair
	BOB ANDERSON, Commissioner
	DANNY OBERG, Commissioner
	BOB ROWE, Commissioner
ATTEST:	
Kathlene M. Anderson Commission Secretary	
SEAL)	

NOTE:

Any interested party may request the Commission to reconsider this decision. A motion to

reconsider must be filed within ten (10) days. See 38.2.4806, ARM.